SINGAPORE REPORTS

LAI WEE LIAN v. SINGAPORE BUS SERVICE (1978) LTD.

[C.A. (Kulasekaram, Chua & Rajah JJ.) May 28, 1982]
[Singapore – Civil Appeal No. 13 of 1982]

Damages – Quantum – Global award for personal injuries – Appeal against award for prospective loss of future earnings – Appellate Court's refusal to interfere.

The learned trial Judge in Suit No. 2580 of 1979 awarded the plaintiff/appellant damages for personal injuries in the sum of $146,917.40 which included the sum of $37,056 for the appellant's prospective loss of future earnings. The appellant appealed against the award of $37,056 on the ground that it was inadequate. The respondent cross-appealed on the decision in respect of the assessment of loss of amenities in the sum of $40,000 on the ground that it was excessive.

Held, dismissing the appeal and the cross-appeal: (1) what really matters in cases of damages for personal injuries is the global figure arrived at by a trial Judge even if he has calculated the damages under a number of recognised heads. If the global figure arrived at is, in the particular circumstances of each case, reasonable and fair, then any appellate court would not increase or decrease a component item of damage on the basis that such item is low or excessive;

(2) the court therefore would not interfere with the award and there would be no order as to the costs of the appeal.

CIVIL APPEAL.

V. Ramakrishnan for the appellant.

Abdul Rashid bin Abdul Gani for the respondents.

Cur. Adv. Vult.

Rajah J. (delivering the Judgment of the Court): This is an appeal by the Appellant (Plaintiff) who was born on the July 22, 1955, against the judgment of the learned trial Judge in Suit No. 2580 of 1979 for damages for personal injuries wherein he awarded a total sum of $146,917.40, which included the sum of $37,056.00 for the Appellant's prospective loss of future earnings.

The Appellant is dissatisfied with the said award of $37,056.00 on the ground that the same is inadequate having regard to the evidence adduced in Court, the circumstances of the case and the general trend of awards on future earnings.

The Respondents for their part have cross-appealed on the decision in respect of the assessment of loss of amenities in the sum of $40,000/- and contend that it ought to be varied on the ground that the assessment of loss of amenities in the sum of $40,000/- was extremely excessive and against the trend of awards in other similar or more severe cases.

We have considered the arguments of both counsel in respect of loss of future earnings and loss of amenities. We are of the view that what really matters in cases of damages for personal injuries is the global figure finally arrived at by a trial Judge even if he has calculated the damages under a number of recognised heads. If the global figure arrived at is, in the particular circumstances of each case, reasonable and fair then we do not think that any appellate Court would increase or decrease a component item of damage on the basis that such item is low or excessive. In the instant case the sum arrived at for loss of amenities is $40,000/- and that for loss of future earnings is $37,056.00 computed on a multiplier of 10 applied to a base figure of $400/-. We ourselves think that perhaps a multiplier of 10 is not adequate considering that the Appellant was born on the July 22, 1955. However, we are also of the view that the award of $40,000/- for loss of amenities is somewhat generous in all the circumstances of the instant case. On the whole we think that these two items balance each other off to the extent that in our view the global figure of $146,917.40 arrived at is on the whole a fair assessment of the damages for personal injuries suffered by the Appellant in the instant case.

We therefore do not propose to interfere with the award herein one way or the other and in view of what we have said we also do not propose to make any order as to the costs of the appeal.

Appeal and cross-appeal dismissed.

Solicitors: *V. Ramakrishnan & Co.; Khattar, Wong & Partners.*

FAN PO KIE v. TAN BOON SON

[O.C.J. (Abdul Wahab Ghows J.) September 19, 1981]
[Singapore – Originating Summons No. 349 of 1981]

Family Law – Divorce – Matrimonial home – Wife's claim for possession of H.D.B. flat which was purchased jointly by couple for benefit of family.

The plaintiff claimed possession against her husband, the defendant for the matrimonial home. She also agreed to pay the defendant such sums of money that had been paid by the defendant towards the said home. The facts revealed that the lease of the former matrimonial home which was a H.D.B. flat was purchased by the defendant and the plaintiff as joint-tenants from the Housing & Development Board under an agreement dated February 5, 1976. The plaintiff left the matrimonial home in February 1979 with the two children of the marriage as a result of the defendant's cruelty. Her petition for divorce was granted on April 2, 1979 and made absolute on July 5, 1979. She was granted custody of the two children and received monthly maintenance payments.

Held, allowing the plaintiff's claim: (1) as the flat in question was purchased jointly by the plaintiff and the defendant as their matrimonial home for the benefit of the family, the court should not endorse the defendant's action in compelling his wife and children by his cruelty to leave the flat and should not back up such action by ordering the plaintiff to sell her share in the matrimonial home;

(2) as the plaintiff was prepared to refund to the defendant whatever monies he had paid towards the purchase price of the matrimonial home, it was equitable in the circumstances that the defendant should be ordered to deliver up to the plaintiff possession of the matrimonial home and to convey and transfer all his rights, powers and interests in the said property to the plaintiff.

ORIGINATING SUMMONS.

Michael Hwang for the plaintiff.

Noor Mohamed Marican for the defendant.

Cur. Adv. Vult.

Abdul Wahab Ghows J.: The abovenamed Plaintiff (Madam Fan Po Kie) by way of Originating Summons No.